IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Bail Appl..No. 6436 of 2007()

[CRIME NO.183/2007 OF NADAKKAVU POLICE STATION, CALICUT]

: APPLICANTS/ACCUSED

---

1. P.K.SAHADEVAN, S/O ANANDAN,
   AGED 55 YEARS, RESIDING AT ANANDA KRIPA,
   B.G.ROAD, KOZHIKODE, KOZHIKODE DIST.

2. BAIJU, S/O LATE BALAKRISHNAN NAIR,
   AGED 34 YEARS, RESIDING AT PONMILI HOUSE,
   THRUTHIYAD, KASABA AMSOM DESOM,
   KOZHIKODE.

BY ADV. SRI.P.K.RAMKUMAR
SMT.ANITHA MENON

RESPONDENTS: COMPLAINANT & STATE

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, NADAKKAVE POLICE
STATION, KOZHIKODE.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No. 6436 of 2007

Dated this the 23rd day of October, 2007

ORDER

Application for anticipatory bail. Petitioners are accused 1 and 2 named in the F.I.R. The F.I.R is registered for the offence punishable, inter alia, under Section 353 r/w 149 I.P.C and Section 3(2) of the P.D.P.P Act.

2. The crux of the allegations is that the petitioners had obstructed the discharge of official duty by the defacto complainant, an employee of the HR&CE department.

3. According to the petitioners, there was a dispute regarding an order passed by the Commissioner, HR&CE taking over the administration of a temple. The petitioners as well as about 500 others had raised objections against such take over of the temple which according to the local people was totally unjustified. The incidents in connection with that protest demonstration have been blown out of proportion to make it appear that it was unlawful obstruction to the discharge of official duty by the complainant and wanton destruction of public property. The petitioners may, in these circumstances, be granted anticipatory bail, it is prayed.

4. The learned Public Prosecutor does not oppose the application for anticipatory bail and I am satisfied in the facts and circumstances to which I have already made a brief reference that the petitioners can be granted anticipatory bail.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 30.10.07. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 31.10.07 and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 30.10.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each without any sureties undertaking to appear before the learned Magistrate on 30.10.2007.

(R.BASANT, JUDGE)

rtr/-